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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT pursuant to Rule 201 of the Federal Rules of Evidence, Indirect Purchaser Plaintiffs, who have filed the Indirect Purchaser Plaintiffs' Report to the Court and Motion for an Order Directing a Disposition of Large-Claimant Residual Settlement Funds, hereby request that the Court take judicial notice of the following documents, true and correct copies of which are attached to the Declaration of John D. Bogdanov in Support of Request for Judicial Notice filed herewith:

- Exhibit 1: “Final Disbursement Order”, Dkt. 476, *Sullivan v. DB Investments, Inc.*, Case No. 04-CV-2819 (SRC) (D.N.J.), dated December 22, 2016; and
- Exhibit 2: “Disbursement Order for Supplemental Distribution to Indirect Purchaser Consumer Subclass and Disposition of Residual Funds”, Dkt. 482, *Sullivan v. DB Investments, Inc.*, Case No. 04-CV-2819 (SRC) (D.N.J.), dated November 16, 2017 and filed November 17, 2017.

This Court may properly take judicial notice of these documents pursuant to Federal Rule of Evidence 201. “Courts may take judicial notice of facts whose existence is capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” *Lyon v. Gila River Indian Community*, 626 F.3d 1059, 1075 (9th Cir. 2010) (internal citations omitted); *Reyn’s Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n.6 (9th Cir. 2006) (courts may take judicial notice of court filings and other matters of public record, including pleadings); *Anderson v. American Airlines, Inc.*, No. 08-04195-WHA, 2011 U.S. Dist. LEXIS 24862, *7-8 (N.D. Cal. 2011) (court taking judicial notice of two orders, a complaint, and pretrial memorandum filed in a separate federal court proceeding, and a complaint filed with a state administrative agency).

This request is based on this submission, the accompanying Declaration of John D. Bogdanov, the pleadings and papers on file in this action, and such argument as this Court may allow.

1 Dated: August 15, 2022

Respectfully submitted,

2 COOPER & KIRKHAM, P.C.

3 By: /s/ Tracy R. Kirkham
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